

Maurer School of Law: Indiana University Digital Repository @ Maurer Law

Articles by Maurer Faculty

Faculty Scholarship

1985

George L. Haskins

Morris L. Arnold

Indiana University School of Law - Bloomington

Follow this and additional works at: <http://www.repository.law.indiana.edu/facpub>

 Part of the [Legal Biography Commons](#), [Legal Education Commons](#), and the [Legal History Commons](#)

Recommended Citation

Arnold, Morris L., "George L. Haskins" (1985). *Articles by Maurer Faculty*. Paper 1053.
<http://www.repository.law.indiana.edu/facpub/1053>

This Response or Comment is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.

University of Pennsylvania Law Review

FOUNDED 1852

Formerly
American Law Register

VOL. 134

DECEMBER 1985

No. 1

GEORGE L. HASKINS

MORRIS S. ARNOLD[†]

George Haskins grew up in the American Cambridge, the son of renowned medievalist Charles Homer Haskins. His introduction to the law of property, so far as the record reveals, came early on when he and his brother, while at play, were accused by Dean Pound of trespassing on the grounds of the Harvard Law School. George proffered two defenses: one, that his father was dean of the College of Arts and Sciences, the other that the ground on which he and his brother were playing was public. Pound demurred and phoned the boys' father. As is often true of complex cases, no judgment is entered in this one. But in any event, the incident may be responsible for George's keen interest in implied licenses, prescriptive easements, the Roman law of *jus spatiandi*, and the recondite difficulties of the trespasser *ab initio*.

All of George Haskins' students and colleagues know that his intellect is prodigious, but not very many know that he was a child prodigy: his first book, his Phi Beta Kappa Essay, was published by the Harvard University Press just after his twentieth birthday.¹ Not even his famous father could equal that feat. Naturally, so accomplished a young man as this found himself in demand; but, although reared in

[†] Dean and Foskett Professor of Law, Indiana University at Bloomington School of Law. Former Professor of Law and History, University of Pennsylvania.

¹ G. HASKINS, *THE STATUTE OF YORK AND THE INTEREST OF THE COMMONS* (1935).

the shadow of the Harvard Law School, George resisted the blandishments of that institution and others, and joined the faculty of the University of Pennsylvania Law School. It is from that school that he now retires after almost forty years as Professor of Law.

George's accomplishments in the interim are, naturally enough, numerous. His bibliography of ten books and eighty-two articles, still expanding at this writing, bears witness to his energy and creativity. Perhaps others will chronicle in detail his contributions to legal scholarship, but some general words on what makes his point of view special seem also to be in order.

When George began writing about legal history in the 1930's, his was not exactly a *vox clamantis*, but he was nevertheless one of a literal handful of people who were working in the field of legal history. Over the years, as interest grew in liberalizing legal education, history courses became more common in law school curricula. Still, too often what was served up was a variety of antiquarianism that really did not deserve the name "history." George knew that, properly conceived, a course in legal history ought not to be a course in old law: it ought to be about comparative law in time. Today, no doubt, this is taken for granted, but not so many years ago such talk was of a revelatory character. But let George speak for himself. The task of the legal historian, he said, "is not merely one of recounting the growth and jurisdiction of courts and legislatures or of detailing the evolution of legal rules and doctrines."² He went on to explain:

It is essential that these matters be related to the political and social environments of particular times and places. Broadly conceived, legal history is concerned with determining how certain types of rules, which we call law, grew out of past social, economic, and psychological conditions, and how they accorded with or accommodated themselves thereto.³

Such views as these were virtual heterodoxy at the time George expressed them. All of us are in his debt for advancing these kinds of insights.

It is sometimes difficult not to make tributes like these sound like eulogies. In this case, however, there is no such problem. Although George is occasionally given to bucolic musings about retiring to Maine to learn another skill (pumping gas is frequently mentioned), his col-

² G. HASKINS, *LAW AND AUTHORITY IN EARLY MASSACHUSETTS* viii (1960).

³ *Id.* (footnote omitted).

leagues have other plans for him. We doubt very much that there is anyone who is as much at home with both American and English legal sources as George is. We believe that there is no good reason why George, now freed from teaching and administrative duties, should not devote full time to research and writing. Austin Wakeman Scott, George's fellow Cantabrigian, is the person that we have selected as the proper role model (you should pardon the fashionable phrase) for George Lee Haskins. Mr. Scott was in his office every day, twenty years and more after his retirement, pounding and kneading his treatise into shape, correcting proofs, and generating pocket parts. George has already shown the world that he is a Precocious Toddler.⁴ Now we confidently look forward to his new incarnation, in a decade or so, as Fertile Octogenarian.⁵

⁴ *Cf. Re Gaite's Will Trusts*, [1949] 1 All E.R. 459 (Ch.) (the case of the "Precocious Toddler," in which The court assumed that a child under the age of five could have children).

⁵ *Cf. Jee v. Audley*, 29 Eng. Rep. 1186 (Ch. 1787) (the case of the "fertile octogenarian," in which the court presumed for purposes of the Rule Against Perpetuities that an eighty-year-old woman was capable of having additional children).